

# EXHIBIT G

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**COPY**

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ESTER LORUSSO,

Plaintiff,

Civil Action No.  
1:07-CV-03583

-against-

ALITALIA-LINEE AEREE ITALIANE, SpA,

Defendant.

-----x

April 18, 2008  
10:09 a.m.

Videotaped Deposition of ANDREA SCIARRESTI,  
taken by Plaintiffs,, at the offices of The  
Ottinger Firm, PC, 19 Fulton Street New York,  
New York, before SUZANNE PASTOR, a Shorthand  
Reporter and Notary Public within and for the  
State of New York.

1 ANDREA SCIARRESI

2 Q. While working for Alitalia.

3 A. Yes, I was based in New York while  
4 I was working at Alitalia.

5 Q. When was that, sir?

6 A. From the middle of January 2004  
7 till officially when I was transferred from New  
8 York to Italy on March 2005.

9 Q. So you started working in New York  
10 in January of 2004.

11 A. Yes.

12 Q. And what was your job for Alitalia  
13 in New York in January of 2004?

14 A. I was HR director for North America  
15 and Mexico. Human resources director.

16 Q. And what did you do as HR director  
17 for North America and Mexico?

18 A. I represented Alitalia for all the  
19 divisions, for passengers, sales, stations,  
20 cargo. And I represented Alitalia on all the  
21 matters regarding the human resources  
22 management.

23 Q. Who was your -- where were you  
24 located in New York?

25 A. Initially it was New York City at

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ANDREA SCIARRESI

666 54th street on Fifth Avenue. Then we moved to the Empire State Building on May 2004.

Q. Did you have a supervisor while you were in New York?

A. Yes.

Q. Who was that?

A. Mr. Julie Libutti.

Q. Do you know the plaintiff in this case, Ester LoRusso?

A. I know Ester LoRusso.

Q. Is she here today in the room?

A. Yes.

Q. Do you see her here?

A. Yes.

Q. When did you meet her?

A. I met her when I arrived in New York because she was one of my colleagues on the management team of Alitalia here in North America and Mexico.

Q. Did she work in the same office as you did in New York City?

A. In the same offices, yes.

Q. What was her job at Alitalia when you were working in New York City?

1                   ANDREA SCIARRESI

2           A.       She was the marketing director of  
3 Alitalia, marketing -- if I remember well,  
4 marketing director.

5           Q.       In your position as human resources  
6 director while you were in New York --

7           A.       Yes.

8           Q.       -- did you have occasion to speak  
9 to your supervisor Mr. Libutti about his plans  
10 to make changes to the -- with the employees who  
11 worked there at the company?

12          A.       Yes.

13          Q.       And did he have any discussions  
14 with you about any proposed changes in 2004?

15          A.       Yes.

16          Q.       When was that in 2004, if you know?

17          A.       More or less about August, in the  
18 summer. Specifically in August 2004.

19          Q.       What was the nature -- what were  
20 the nature of those changes that he discussed  
21 with you?

22          A.       He wanted to make a reorganization  
23 plan in order to fire the old people in the  
24 company and replace them with young people, new,  
25 appoint or maybe promoting new manager in the

1                                   ANDREA SCIARRESTI

2       company.

3           Q.       That's what Mr. Libutti told you?

4           A.       Yes.

5           Q.       Did you say anything to him when he  
6       said he wanted to do that?

7           A.       Sorry?

8           Q.       Did you say anything to him when he  
9       told you that he wanted to do that?

10          A.       Yes, I told him that this was  
11       illegal.

12          Q.       And what did he say?

13          A.       He said I don't care, I need to  
14       make this plan and I will go on with like that.

15          Q.       Would that plan that Mr. Libutti  
16       explained to you have an impact on Ester  
17       LoRusso?

18          A.       Yes.

19          Q.       How so?

20          A.       How?

21          Q.       How?

22          A.       Okay. Because Ms. LoRusso was one  
23       of the colleagues in the senior positions in the  
24       company, and it was long seniority in the  
25       company. So he wanted to let out anyone with

1                   ANDREA SCIARRESI

2       old position and old people in the company. So  
3       Ms. LoRusso was a part of this plan.

4           Q.       Because she was an older person and  
5       in a senior position?

6           A.       Yes.

7                   MR. KORAL: Objection.

8           Q.       That's correct?

9           A.       That's correct.

10          Q.       And did anything happen to Ester  
11       LoRusso's job at Alitalia as a direct result of  
12       Mr. Libutti's plan?

13          A.       Yes, Mr. Libutti wanted to move  
14       Ester LoRusso to GA 2000.

15          Q.       What is GA 2000?

16          A.       GA 2000 was -- at the moment I  
17       don't know. It was a subsidiary company of  
18       Alitalia.

19          Q.       And what did GA 2000 do as a  
20       subsidiary of Alitalia?

21          A.       Was in charge for -- I don't know  
22       exactly what GA 2000 was in charge for because I  
23       didn't have any kind of relation with GA 2000.  
24       I only know that it was a subsidiary. I don't  
25       know the business of GA 2000.

1                   ANDREA SCIARRESI

2                   Q.       What happened to Ester LoRusso's  
3 job at Alitalia?

4                   A.       Till I was present in the offices  
5 in August 2004, Mr. Libutti wanted to move Ester  
6 LoRusso because he wanted Mrs. LoRusso out of  
7 the company, out of the organization plan, the  
8 organization chart of Alitalia. So he wanted to  
9 move her to GA 2000, promoting her with the  
10 position of managing director of GA 2000.

11                  Q.       Now, based upon what you know from  
12 what Mr. Libutti told you, was Ms. LoRusso's age  
13 a factor in Mr. Libutti's decision to move her  
14 out of Alitalia into GA 2000?

15                  MR. KORAL: Objection.

16                  A.       Yes. He wanted to move  
17 Mrs. LoRusso because she was one of the old  
18 people in the position. So he told me these  
19 words.

20                  Q.       And it was based upon, in part at  
21 least, her age?

22                  A.       Yes.

23                  MR. KORAL: Objection.

24                  Q.       Did Mr. Libutti, based upon your  
25 knowledge of him and your work with him, have an



1                   ANDREA SCITARRESTI

2       opinion of Ester LoRusso based upon the fact  
3       that she was also a woman?

4                   MR. KORAL: Objection.

5               A.       Yes. He told me he wasn't  
6       comfortable with a woman in high position.

7               Q.       When did he tell you that?

8               A.       When he came to my office and  
9       telling me about this organization plan that he  
10      had in mind.

11              Q.       Did Mr. Libutti ever say anything  
12      to you about his comfort with women or  
13      minorities working under him?

14              MR. KORAL: Objection.

15              A.       He wasn't comfortable with the  
16      minority and the other people that could be  
17      different from his way of thinking.

18              Q.       So tell me, what did Mr. Libutti  
19      say to you about having minorities or females  
20      working in the company, if at all?

21              MR. KORAL: Objection.

22              A.       Yes, Mr. Libutti -- I can tell you  
23      this example. I wanted to hire a new station --  
24      a new manager for Washington Station. His name  
25      is Mr. Alton Watt. He was -- he is a black guy.

1                   ANDREA SCIARRESI

2       attack, a personal insult. So he told me he  
3       disliked her because she often wasn't in line  
4       with his way of thinking and his orders.

5               Q.       Were any other comments made to you  
6       that showed his view of having females working  
7       in high positions in the company?

8               MR. KORAL: Objection.

9               A.       He wasn't uncomfortable talking  
10       about women in high positions. It was something  
11       that probably he has done on several occasions,  
12       informal occasion with jokes or some anecdotes  
13       or something like that.

14              Q.       Were there any occasions where you  
15       would discuss with Mr. Libutti as human  
16       resources director about the antidiscrimination  
17       laws in the United States?

18              A.       Yes.

19              MR. KORAL: Objection.

20              Q.       Could you please tell me about  
21       that?

22              A.       I told him that as I was the HR  
23       director, I was responsible to apply the U.S.  
24       regulation of law and to be in line with the  
25       internal and external law.

1                   ANDREA SCIARRESTI

2                   So the discrimination or the  
3 harassment or any other behavior that was out of  
4 the laws currently applying in the U.S. was  
5 illegal. And I always told him that he was  
6 to -- he has to be careful in the behavior  
7 because he has to be in line with the regulation  
8 and the law that was applying to United States.

9                   Q.       Did you have -- as the human  
10 resources director and working closely with  
11 Mr. Libutti, did you know what his -- in your  
12 opinion, did he respect the antidiscrimination  
13 laws in the United States?

14                   MR. KORAL: Objection.

15                   A.       Can I --

16                   Q.       Sure, repeat?

17                   A.       Yes.

18                   Q.       First I'll ask the court reporter  
19 to read it back.

20                   (The pending question was read.)

21                   A.       No, he didn't.

22                   Q.       Did you work closely with  
23 Mr. Libutti?

24                   A.       Yes, I did.

25                   Q.       Why did you feel he doesn't --

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2           A.       Because he used to complain against  
3 the U.S. lawyers and regulations because he felt  
4 that it was too rigid and too difficult to  
5 manage for his way of managing. And so he  
6 started -- on the first period he seemed to be  
7 more worded about this regulation --

8           Q.       More what?

9           A.       More awareness, sorry, about this  
10 regulation. Then he used to say he didn't care  
11 if someone could write or complain against his  
12 way of attitude or behavior because he didn't  
13 care at all because he was the boss of North  
14 America and Mexico so he could do as he wanted,  
15 so he didn't care of the regulations.

16          Q.       How do you know that?

17          A.       He told me.

18          Q.       When did he -- will you please  
19 explain?

20          A.       Yes, he told me that he was too  
21 tired of the rigid regulation of the United  
22 States. At the end, let the people write or  
23 complain, I don't care.

24          Q.       When you say regulation, what  
25 regulation are you referring to?

1 ANDREA SCIARRESI

2 A. Internal the company, external by  
3 the U.S. laws. Any kind of laws that we should  
4 apply working in USA.

5 Q. You're referring to the  
6 antidiscrimination laws?

7 A. Antidiscrimination, harassment,  
8 internal climate. Anything that could be  
9 related to the human resources management, so  
10 the approach and the management with the people.

11 Q. How do you know he felt this way?  
12 MR. KORAL: Objection.

13 A. Because he told me.

14 Q. How many times?

15 A. Several times. Specifically at the  
16 end, at the end, until August, until I was in  
17 the offices, the last months he didn't care at  
18 all. So he was used to repeat this on several  
19 occasions to me.

20 Q. Was there a concern that the  
21 decision to remove Ms. LoRusso from her position  
22 at Alitalia might violate the American  
23 antidiscrimination laws?

24 MR. KORAL: Objection.

25 A. If he understood -- if he felt that

1                   ANDREA SCIARRESI

2       Mrs. LoRusso could file against his decision to  
3       move her? Is this the question?

4           Q.       Yes.

5                   MR. KORAL: Objection.

6           A.       Yes.

7           Q.       Well, how do you know that?

8           A.       Because he was in USA. He knew the  
9       regulation and he knew the antidiscrimination  
10      policies. And so probably he felt that  
11      Mrs. LoRusso could file or complain against him  
12      against his decision.

13          Q.       Was there -- as the human resources  
14      director, sir, in New York, was there ever a  
15      time when you discussed Ms. LoRusso's situation  
16      with Mr. Libutti? Keeping her position at  
17      Alitalia?

18                  MR. KORAL: Objection.

19          A.       In the position? Not until August  
20      when he proposed -- or he showed me that he  
21      wanted to do this reorganization plan. Not  
22      specifically because I didn't have so many  
23      contact with Mrs. LoRusso. So before  
24      approaching this new organization plan that he  
25      had in mind, he always -- or often told me that

1 ANDREA SCIARRESTI

2 he didn't like her approach, her way to reply to  
3 him. But we didn't have a chance to discuss  
4 about the position of Ms. LoRusso until he  
5 wanted to have this reorganization plan.

6 Q. Explain about his reorganization  
7 plan. What was he doing?

8 A. The reorganization plan, what  
9 introduced me verbally because I didn't see  
10 anything or I didn't sign or approve anything  
11 about the reorganization plan. Simply wanted to  
12 have a firing or a termination of the old people  
13 in the company, especially in the higher  
14 positions and to replace them with new managers,  
15 new appointed people. That was the core of the  
16 project.

17 Q. Did he show you any documents that  
18 related to his plan to do this?

19 A. No, not in the discussions, no.

20 Q. How many times did you discuss this  
21 plan with him?

22 A. Just in the locations.

23 Q. Just what?

24 A. Just when he came to my office and  
25 told me that he wanted to have this organization

1                                   ANDREA SCIARRESI

2    plan.

3                   MR. KORAL: Could you read that  
4   series of questions and answers back. I'm not  
5   clear.

6                   (The record was read as requested.)

7           Q.       Now, did Mr. Libutti implement this  
8   reorganization plan that would impact the older,  
9   more senior workers?

10          A.       Yes, he implemented the  
11   reorganization plan.

12          Q.       How did he do that?

13          A.       I knew because I was informed when  
14   I was out of the company that he launched this  
15   project by himself and went on.

16          Q.       Do you know how he intended to do  
17   this? How he intended to accomplish this  
18   reorganization plan?

19          A.       I don't know. He wanted just make  
20   it -- he just told me the goal of the project.  
21   I didn't know what he wanted to do.

22          Q.       Were you going to be part of this  
23   plan as the HR --

24          A.       He wanted my approval. And I  
25   refused.



1                   ANDREA SCIARRESI

2                   Q.       Did you object to what he was  
3 planning to do?

4                   A.       Yes.

5                   Q.       What did you say?

6                   A.       It was really illegal to fire old  
7 people and replace with young people.

8                   Q.       Was there any discussion as to why  
9 he wanted to do this?

10                  A.       No.

11                  Q.       Now, how did Mr. Libutti's plan  
12 that you've just described impact Ms. LoRusso,  
13 if at all?

14                  A.       Because --

15                           MR. KORAL:  Objection.

16                  A.       Because Ms. LoRusso was a director  
17 in a senior position.  And it was a long time  
18 that she was in the company.

19                  Q.       How did it affect her?

20                  A.       Yes.

21                  Q.       What happened to her as a result?

22                           MR. KORAL:  Objection.

23                  A.       He wanted to move her to GA 2000.  
24 So he wanted her absolutely out of the company,  
25 out of Alitalia.

1                   ANDREA SCIARRESTI

2                   Q.       How would that accomplish his goal  
3 of getting her out of the company?

4                   A.       Can you repeat, please?

5                   MR. KORAL: Objection.

6                   Q.       How would putting her in GA 2000  
7 accomplish Mr. Libutti's goal?

8                   MR. KORAL: Objection.

9                   A.       Because G 2000 wasn't part of  
10 Alitalia. So he just wanted to have her name  
11 out of the organization chart of Alitalia.

12                  Q.       As the human resources director,  
13 was there ever a time when you would discuss  
14 with Mr. Libutti his view of having females  
15 working with him, under him in New York?

16                  MR. KORAL: Objection.

17                  A.       Yes.

18                  Q.       Please tell me about that.

19                  MR. KORAL: Objection.

20                  A.       Only informal occasions, I don't  
21 remember exactly the time, he used to say that  
22 he was uncomfortable with women in the high  
23 position. Because as example of women in high  
24 position was Ms. LoRusso. And he disliked her,  
25 her approach. And he didn't like her way to

1 ANDREA SCIARRESI

2 manage because it wasn't in line with his way.  
3 And so he really felt as a personal insult for  
4 him to have a dialogue with her when she wasn't  
5 in line with him.

6 Q. How was her gender a factor in  
7 that?

8 MR. KORAL: Objection.

9 Q. If you know.

10 A. Was gender? Probably, yes. He  
11 told me I don't like her, especially as a woman  
12 in high position.

13 Q. Were any comments made about just  
14 women in general in high positions?

15 MR. KORAL: Objection.

16 A. Generally, he told me that he  
17 didn't like the idea of having women in high  
18 position.

19 Q. Were there any -- as the human  
20 resources director, in your discussions with  
21 your supervisor, Mr. Libutti, were there any  
22 times that you discussed the possibility of  
23 promoting a woman to a higher position?

24 MR. KORAL: Objection.

25 A. No, he didn't tell me anything. He

1                   ANDREA SCIARRESI

2       didn't want to promote anyone.

3           Q.       Anyone or any woman?

4           A.       Any woman.

5           Q.       Tell me about that.

6           A.       Well, we didn't have the occasion  
7       to speak about promotion of a woman in a high  
8       position. There wasn't a chance to discuss  
9       about that. I don't remind any episode talking  
10      about the promotion of a woman in high position.

11          Q.       Now, you mentioned a moment ago an  
12      example of an African American man who had an  
13      eye infection and who was gay.

14          A.       Yes.

15                   MR. KORAL: Objection.

16          Q.       Were there any other times when you  
17      discussed the employment of minorities in  
18      Alitalia with Mr. Libutti?

19                   MR. KORAL: With --

20                   MR. OTTINGER: Libutti.

21          A.       No. That fact was the most  
22      evidence.

23          Q.       Was there any other time when the  
24      subject of employing minorities or females came  
25      up?

1                   ANDREA SCIARRESI

2           A.       No, he didn't like the diversity of  
3 minority. It was something that he disliked as  
4 a human being.

5           Q.       How do you know that?

6           A.       It was the way that he spoke about  
7 the expressions. I felt the sensation that he  
8 disliked. He wasn't comfortable with the  
9 diversity.

10          Q.       How do you know that?

11                   MR. KORAL: Objection.

12          A.       Well, he told me that he wasn't  
13 comfortable.

14          Q.       And did that impact the way he  
15 managed Alitalia's offices in New York?

16                   MR. KORAL: Objection.

17          A.       Yes.

18          Q.       How so?

19          A.       Well, the fact is the way he  
20 treated episodes like Alton Watt or Ms. LoRusso.  
21 So this represent to me -- represented to me as  
22 a human resources director a wrong way to manage  
23 the people generally. Specifically in the USA.

24          Q.       In your opinion as human resources  
25 director and based upon what you know from your

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ANDREA SCIARRESI

conversations with Mr. Libutti, was  
Ms. LoRusso's age a factor in the decision to  
move her out of Alitalia into GA 2000?

MR. KORAL: Objection.

A. Yes.

Q. Why do you believe that?

MR. KORAL: Objection.

A. Because he told me that he didn't  
want any more old people, including Ester  
LoRusso, especially in high position.

Q. Was her gender a factor in that  
decision?

MR. KORAL: Objection.

A. Maybe I misunderstood the question.

Q. Was Ms. LoRusso's gender, the fact  
that she's a female, also a factor in the  
decision --

MR. KORAL: Objection.

A. Yes --

Q. Let me finish.  
-- a factor in her decision to move  
her out of Alitalia?

MR. KORAL: Objection.

A. Yes.

1 ANDREA SCIARRESI

2 Q. Why is that?

3 A. Because he didn't like to have  
4 women in high position.

5 Q. How do you know that?

6 A. He told me.

7 Q. I imagine it must be difficult --  
8 was there any controversy that arose as a human  
9 resources director, if you're working with  
10 Mr. Libutti and his intentions to do what you  
11 just described, would that create any conflict  
12 between the two of you?

13 MR. KORAL: Objection.

14 A. If this way could create a conflict  
15 between me and Mr. Libutti?

16 Q. Yes.

17 A. Absolutely.

18 Q. How so?

19 A. Well, he started immediately to  
20 approach me insulting or joking with me --

21 Q. Let me ask you --

22 A. -- telling me insults like bull of  
23 the provinces. Can I say in Italian the insults  
24 that he told to me?

25 Q. If that's what you're comfortable

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ANDREA SCIARRESI

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do.

3

A. He called me testa di cazzo.

4

Q. What does it mean?

5

A. Head of cock. Caglione.

6

Q. What's that mean?

7

A. I believe moron. Torro della

8

provincia, because I came from province and not

9

from a big city like Rome or New York. And so

10

on. So he disliked the way that it was in line

11

with the regulation of my work and my function.

12

Q. When you say regulation, you mean

13

the American discrimination law?

14

A. American --

15

MR. KORAL: Objection.

16

A. -- discrimination. Work

17

relationship rules, anything that was linked

18

with the human resources management. Because I

19

was professional of HR management also before

20

joining Alitalia so I was fully aware of the HR

21

management in the business.

22

So he didn't like this approach.

23

He wanted someone that's obey to his orders with

24

no comments. And he started to as he understood

25

this way of management to attack me personally,



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2       also with my family. And threaten me to send me  
3       back to Rome if I didn't accept his orders. And  
4       I told him that I also was reporting to Rome,  
5       but I didn't care and said -- he didn't care  
6       that I had the reporting supervisor in Rome  
7       because he was my only supervisor.

8               Q.       Did you tell people in Rome for  
9       Alitalia about what Mr. Libutti was doing here  
10      in America?

11               MR. KORAL: Objection.

12              A.       Yes.

13              Q.       Did you --

14              A.       I sent an e-mail to Mr. Mario  
15      D'Angelo --

16              Q.       What did you say?

17              A.       -- telling him what was happening.  
18      Especially at the end, the month of August,  
19      before my hospitalization.

20              Q.       What did you say in that e-mail,  
21      sir?

22              A.       I don't remember each lines.

23              Q.       Summarize it.

24              A.       Well, I was telling him that  
25      Mr. Libutti attacking me in a terrible way and

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2       to create me really a bad situation in the  
3       company. And also if I remember, I told him  
4       some people was complain against Libutti and  
5       against Alitalia.

6               Q.       Was there any mention in that  
7       e-mail about Mr. Libutti's violation of the  
8       American antidiscrimination laws?

9               MR. KORAL: Objection.

10            A.       I don't remember.

11           Q.       Did you ever tell anyone in Rome  
12       that Mr. Libutti in your opinion may be  
13       violating the American antidiscrimination laws?

14           A.       I don't remember the moment, but I  
15       told him, if I remember, with a conference call,  
16       with a call to Mario D'Angelo -- I don't  
17       remember specifically.

18                   I can say one moment or one  
19       occasion I told him for sure I wrote an e-mail,  
20       one or two, I don't remember, in which I said  
21       that Libutti treating me in a very bad way  
22       because I was just trying to apply the  
23       regulation, the American-Italian. And some  
24       people was complaining -- was about to complain  
25       or was complaining against the company.

1 ANDREA SCIARRESI

2 A. Nothing that I know.

3 Q. Did you bring a lawsuit against  
4 Alitalia?

5 A. Yes.

6 Q. Do you have one pending now?

7 A. Yes.

8 Q. Do you feel like Mr. Libutti or  
9 Alitalia violated your rights?

10 A. Yes.

11 MR. KORAL: Oh, objection to that  
12 question.

13 Q. Have you discussed Ms. LoRusso's  
14 case with Ms. LoRusso in the past -- since she's  
15 left Alitalia?

16 A. Never.

17 Q. When did you get to New York, sir?

18 A. Yesterday I arrived at 13:15 p.m.  
19 Thursday. Yesterday.

20 Q. And since then have you discussed  
21 the case with Ms. LoRusso?

22 A. Nothing.

23 Q. How did you get here to New York?

24 A. With the plane, with the flight of  
25 Alitalia in the morning from DaVinci Airport,

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2       Rome to New York, JFK.

3                   Q.       Did Ms. LoRusso pay for your  
4       flight?

5                   A.       No.

6                   Q.       Has Ms. LoRusso provided you with  
7       any compensation to come here?

8                   A.       No. Nothing.

9                   Q.       Why are you here testifying like  
10      this today?

11                  A.       I'm here to tell the truth about  
12      this case from what I know and to have the  
13      justice.

14                  Q.       Why would you come all the way from  
15      Rome to New York on your own to testify like  
16      this?

17                  A.       Because I felt it was the right  
18      thing to do.

19                  Q.       Why do you feel that way?

20                  A.       Because I am here to testify  
21      against a violation to me, against U.S. law, USA  
22      laws. And I didn't feel that this I could take,  
23      so I wanted to come here and to tell the truth  
24      and to answer the question about this case. And  
25      to have justice for the situation.

1                   ANDREA SCIARRESI

2                   Q.       Everything you're telling us is the  
3 truth?

4                   MR. KORAL:  Objection.

5                   A.       Yes.

6                   Q.       Let's take a short break, okay?

7                   A.       A break?

8                   Q.       I want to take a short break and  
9 we'll reconvene in ten minutes.

10                  THE VIDEOGRAPHER:  The time is  
11 10:47 a.m.  We're off the record.

12                  (Recess taken.)

13                  THE VIDEOGRAPHER:  The time is  
14 11:00 a.m.  We're back on the record.

15                  MR. OTTINGER:  I have no further  
16 questions of the witness.

17                  MR. KORAL:  I have several.

18 EXAMINATION CONDUCTED

19 BY MR. KORAL:

20                  A.       Good morning.

21                  Q.       Mr. Sciarresi.

22                  A.       Yes.

23                  Q.       My name is Alan Koral and I'm the  
24 attorney representing Alitalia in this  
25 litigation.  I have a number of questions for